

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

The Kroger Company,)	
)	
Plaintiff,)	Case No. 1:02-CV-439
)	
vs.)	
)	
Malease Food Corporation,)	
)	
Defendant.)	

O R D E R

Pursuant to the mandate of the Court of Appeals dated April 5, 2006, Defendant Malease Food Corporation's notice of appeal (Doc. No. 95) is **DISMISSED AS MOOT**.

IT IS SO ORDERED

Date April 6, 2006

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court